

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Anthony Guidera, <i>on behalf of himself and</i>	:	
<i>others similarly situated in the proposed</i>	:	Case No.: 22 Civ. 10143
<i>FLSA Collective Action,</i>	:	
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	<u>STIPULATION AND CONSENT</u>
Noom, Inc., and Mark Simon,	:	<u>MOTION TO DISMISS</u>
	:	<u>PROCEEDINGS TO ALLOW FOR</u>
Defendants.	:	<u>ARBITRATION OF CLAIMS</u>
	X	

**STIPULATION AND CONSENT MOTION TO DISMISS PROCEEDINGS
TO ALLOW FOR ARBITRATION OF CLAIMS**

Plaintiff ANTHONY GUIDERA (“Plaintiff”), and Defendant NOOM, INC. (“Defendant”), by and through their attorneys in the above-titled cause of action, and pursuant to the Federal Arbitration Act (“FAA”), 9 U.S.C. § 1 et seq., respectfully move this Court to dismiss the judicial proceedings without prejudice. In support of their Motion the parties agree as follows:

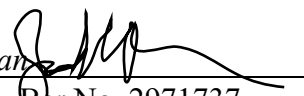
1. Plaintiff was employed by Defendant which maintains an Arbitration Program;
2. Plaintiff electronically executed an agreement requiring the arbitration of the claims at issue in this lawsuit on an individual basis;
3. The parties agree that Plaintiff shall pursue his claims on an individual basis through binding arbitration with the American Arbitration Association (“AAA”);
4. The parties agree that the arbitration will governed by the AAA Employment Dispute Resolution Procedures;

WHEREFORE, the parties respectfully request that this Court grant the instant motion

and dismiss the judicial proceedings without prejudice.

Stipulated and agreed by the parties this 20th day of January, 2023.

Agreed to by:

By: /s/ Joshua B. Waxman 

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*Attorneys for the Plaintiffs and Proposed
FLSA Collection Action Plaintiffs*

SO ORDERED this 26th day of January, 2023.



Paul G. Gardephe

United States District Judge